

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FEDERICK BATES,

Plaintiff,

v.

CITY OF SAN JOSE et al.,

Defendants.

Case No. C-06-05302-RMW

**Response to Letter**

[Re Docket No. 68]

Federick Bates has filed a request with the court for (1) a copy of any order signed by the undersigned setting a hearing on his motion for relief from judgment and proof of its service; (2) a copy of the order denying the motion for relief and proof of its service; and (3) advice as to whether there is a transcript of the hearing.

On March 5, 2013, defendants filed a stipulation, signed by plaintiff and defendants, modifying the briefing schedule for plaintiff's motion and setting the hearing on the motion for April 26, 2013, at 9 a.m. *See* Dkt. No. 47. The court approved the stipulation on March 18, 2013. *See* Dkt. No. 50. It is unclear whether the plaintiff received a copy of that order.

There was no substantive hearing on April 26, the stipulated hearing date, as plaintiff did not appear. Plaintiff apparently expected the court would send out an order setting the date pursuant to

1 the stipulation. Because he did not receive one, he did not appear. Although the court granted the  
2 parties' stipulation requesting April 26 as the hearing date, a hearing was not necessary or required,  
3 and the court submitted the matter on the papers.

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7 Dated: August 12, 2013

  
RONALD M. WHYTE  
United States District Judge

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**United States District Court**  
For the Northern District of California